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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,861	02/08/2001	Hiroshi Aoki	086142/0452	6173

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EXAMINER

FLEMING, FAYE M

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 01/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/778,861

Applicant(s)

HIROSHI, ET AL

Examiner

Faye Fleming

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 is/are allowed.
- 6) ☒ Claim(s) 1 and 3-9 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Acknowledgment***

***Information Disclosure Statement***

1. The information disclosure statement filed on March 29, 2001 has been entered and acknowledged.

***Claim Objections***

2. Claim 4 is objected to because of the following informalities: On line 5, a punctuation (.) should follow the word "body". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujita, et al ('583).

Fujita, et al discloses a seat occupant detection system comprising a seat weight sensor 35 for measuring the weight of an object on the seat; and a human body proximity sensor 35 for detecting the extent of proximity between the passenger on the seat and the seat; and means 35 for determining the presence of the passenger on the seat and for discriminating the type of passenger; wherein said means for determining utilizes an output from the seat weight sensor and an output from the human body proximity

sensor; and an airbag controlling apparatus 70 for controlling deployment of a front airbag wherein the controlling apparatus is configured to receive a signal from the passenger discriminating apparatus and controls a soft deployment of a front airbag only when at least a child is sitting on the seat or a child seat is mounted thereon, and controls normal deployment of the front airbag in other cases (See Col. 13, lines 37-47). Fujita, et al teaches the means for determining is configured to determine that there is no passenger when the output of the seat weight sensor is not more than a first threshold. The means of determining apparatus 16 is configured to determine that a child is sitting directly on the seat when the output of said seat weight sensor exceeds the first threshold value and is not more than a second threshold value and when said human body proximity sensor detects the proximity of the human body (See Col. 7, lines 13-27 and Col. 13, lines 37-47). The means for determining is configured to determine that a child seat is mounted when the output of said seat weight sensor exceeds the first threshold value and not more than a second threshold value and when said human body proximity sensor does not detect the proximity of the human body (See Col. 7, lines 13-27 and Col. 13, lines 37-47). Fujita, et al teaches the seat 10 occupied by a passenger who adopts a conventional sitting position, both the leg region and the back region of the passenger's body will lie immediately adjacent the electrodes; therefore the means for determining is configured to determine that an adult is seated in the seat when the output of said seat weight sensor exceeds the second threshold value and when said human body proximity sensor detects the proximity of the human body, the means for determining is configured to determine that a child seat is mounted on the seat when the output of said seat weight sensor exceeds the second threshold value and when said

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human body proximity sensor does not detect the proximity of the human body, and means for determining functions to decrease the value of the second threshold value by a prescribed amount when the first human body proximity sensor detects the proximity of the human body and the second human body proximity sensor does not detect the proximity of the human body. Regarding claims 2 and 10, Fujita, et al teaches when a passenger is being seated in a posture leaning against the door (See Col. 10, lines 47-55 for an example)

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Notice of References Cited list references disclosing some features in common with the present invention.

Any inquiry concerning this communication should be directed to Faye Fleming at telephone number (703) 305-0209.

Faye Fleming  
Examiner  
Art Unit 3618

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12/17/01

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